262 IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-6306 of 2021 (O&M)
Date of decision : 22.03.2021

Ravinder Kaur

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM : HON'BLE MR.JUSTICE B.S.WALIA

Present : Mr. Saurabh Kapoor, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Mohit, Advocate for the complainant.

B.S.Walia, J. (VC)

CRM-8093-2021

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Application for impleadment has been moved by the complainant. The same is not opposed by learned counsel for the petitioner.

3. For the reasons as are mentioned in the application, the same is allowed. Complainant is impleaded as respondent No. 2. Necessary changes be made in memo of parties by the Registry.

CRM-8094-2021

4. Allowed as prayed for, subject to all just exceptions.

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5. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.06 dated 08.01.2021 registered under Sections 120-B, 467, 408, 468, 471, 420 IPC, at Police Station,

Sector 17, HUDA Jagadhari, Haryana.

6. Learned counsel contends that as per the FIR, a complaint was made by Navdeep Dhingra owner of M/s Oscar Remedies Pvt. Ltd. Kala Amb in which company the petitioner's husband, Harpreet Singh was working as Accountant, that some errors had been detected in the accounts of the company during annual audit for the year 2019-20 and it was learnt that Harpreet Singh had withdrawn about Rs.90 to 95 lacs from the account of the company in a fraudulent manner from 01.04.2019 onwards by tampering the record while concealing entries qua the same, that on being questioned, Harpreet Singh could not render satisfactory explanation and thereafter did not report for duty w.e.f. 23rd December, besides switched off his mobile phone, kept on making excuses for not reporting for duty and despite assurance to report for duty on duty on 25th December, did not report for duty and that the record checked indicated fraud to the tune of Rs.60-65 lacs which was expected to touch the figure of Rs.90-95 lac, that said Harpreet Singh had tampered the bank account, obtained signatures of the complainant on the cheques in the name of some other party in a fraudulent manner and got transferred the amount to some other account thereby committed fraud to the tune of Rs.90-95 lacs.

The petitioner, wife of said Harpreet Singh is an educated lady, and mother of two children, aged 09 years and 04 years, who was arrested on 20.1.2021. During investigation, it was found that a sum of Rs.13,33,016/- had been transferred by the petitioners husband from the account of the complainant's company to the petitioner's account.

7. Learned counsel for the petitioner states that the petitioner is an innocent house wife and has been implicated in a false case, that in fact, she

had a matrimonial dispute with her husband, Harpreet Singh and the matter had been resolved through panchayat conducted for the said purpose, that no doubt, she had an account in Punjab National Bank in which amount of Rs.13,33,016/- was received from the account of the complainant's company, but she had no knowledge of the same and virtually, the entire amount which was so received had been transferred by her husband by way of UPI transactions / ATM transactions in other accounts. Elaborating on the same, learned counsel contended that UPI transactions can be done only through phone banking through a phone number linked with the account and that in the case of the petitioners account in Punjab National Bank, the phone number linked was that of the petitioners husband and that out of Rs.13,33,016/-, a sum of Rs.9,77,150/- had been transferred through UPI transaction to the petitioners husbands accounts in SBI and HDFC, Rs.61500/-had been transferred through UPI to the petitioners husbands brothers account while Rs.86000/- had been transferred by UPI transaction in the saving account of the petitioner in Bank of Baroda while a sum of Rs.23,000/- had been transferred through UPI transaction in SBI account of some unknown persons. Besides, 1,85,000/- was withdrawn from the petitioner's account by way of ATM transactions. Learned counsel contends that the entire amount was withdrawn by the petitioner's husband by UPI transactions as the phone linked to the petitioner's account is that of petitioner's husband. Besides, Rs.1,85,000/- was withdrawn by the petitioners husband through ATM on account of ATM Card and PIN being in possession / knowledge of the petitioners husband.

8. Learned counsel for the complainant/respondent No.2 has referred to details of payment made in the account of the petitioner i.e.

Rs.13,33,016/- transferred from the account of the complainant's company by the petitioners husband, besides, other details with regard to amount which has been transferred by the petitioner's husband fraudulently from the account of the complainant's company to his personal account.

9. Learned counsel for the complainant contends that admittedly, a sum of Rs.13,33,016/- was transferred by the petitioners husband from the account of the complainant company into the account of the petitioner and in case the petitioner was granted bail, it would be difficult to arrest her husband.

10. Learned Deputy Advocate General, Haryana has not disputed that UPI transactions were made from the account of the petitioner to the petitioners husbands as well as other accounts besides ATM transactions were also made, that the phone number of the petitioner's husband was the number linked with the account of the petitioner in Punjab National Bank and that UPI transactions could only be done through phone banking and that too through a phone number linked with the account of the petitioner. Learned DAG also contends that it would not be possible to apprehend the petitioners husband in case the petitioner was released on bail.

11. I have considered the submissions of learned counsel.

12. Admittedly, only material against the petitioner is of her being the wife of Harpreet Singh who was working as Accountant in the complainant's company and who committed fraud to the tune of Rs.90-95 lacs by transferring the amount in different accounts/company floated by him, out of which, Rs.13,33,016/- was transferred from the account of the complainant's company by the husband of the petitioner, to the account of the petitioner in Punjab National Bank. Out of aforementioned

Rs.13,33,016/-, a sum of Rs.9,77150/- was transferred by way of UPI transaction to the accounts of the petitioners husband, Harpreet Singh in SBI and HDFC, Rs.61500/- was transferred by way of UPI transaction in the name of brother of petitioners husband, Rs.23,000/- was transferred through UPI in SBI account of some unknown persons while Rs.86000/- was transferred by UPI in the saving account of the petitioner in Bank of Baroda. It has not been disputed by learned counsel for the respondents that UPI transactions can be done only by a phone which is linked to the bank account which in the instant case is admitted to be that of the petitioner's husband. Amount of Rs. 1,85,000/- was withdrawn through ATM, card and PIN of which is claimed by the petitioner to be in the possession / knowledge of her husband.

13. Learned DAG, Haryana on instructions from ASI Ved Pal confirms that investigation qua the petitioner is complete, challan has been presented on 19.03.2021, and that her custodial interrogation is not required. He further states that charge is yet to be framed.

14. Accordingly, taking into account all the aspects of the matter including the fact that no material has been pointed out by counsel for the respondents indicating the involvement of the petitioner in transferring of the amount from the account of the complainant's company to the account of the petitioner and the major chunk of the amount defrauded by the husband of the petitioner having been transferred in his own account or in the account of the company floated by him and even out of Rs.13,33,016/- transferred by him from the account of the complainant's company to the account of the petitioner having been subsequently withdrawn from the account of the petitioner and transferred by UPI transactions as detailed above to other

accounts through phone banking and the phone linked to the petitioners account being of the petitioner's husband as also in view of the fact that challan has been presented, investigation has been completed, charges are yet to be framed, petitioner is a lady and has two minor children aged about 9 yrs and 4 yrs, husband of the petitioner can be apprehended in accordance with law, I am of the considered view that no useful purpose would be served by keeping the petitioner in custody as the trial is likely to take considerable time. Accordingly, the petition is allowed and the petitioner Ravinder Kaur is ordered to be released on regular bail during the pendency of the trial on her furnishing bail bond and surety bond to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, provided she is not required in any other case. The petitioner shall also comply with the conditions contained in Section 437(3) Cr.P.C. However, it is made clear that in case, the petitioner is involved in any other case while on regular bail in the instant case, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner. However, nothing stated hereinabove, would be taken to be an expression of opinion qua the merits of the case.

22.03.2021 B.S.WALIA
sd JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No